

Chairman Julius Genachowski  
Commissioner Michael J. Copps  
Commissioner Robert M. McDowell  
Commissioner Mignon Clyburn  
Commissioner Meredith Attwell Baker

Federal Communications Commission  
445 12th Street S.W.  
Washington, DC 20554

December 14, 2010

**Re:   *Preserving the Open Internet*, GN Docket No. 09-191;  
      *Broadband Industry Practices*, WC Docket No. 07-52;  
      *Framework for Broadband Internet Service*, GN Docket No. 10-127**

Dear Chairman Genachowski and Commissioners:

The Free Community Paper Industry has consistently advocated for an Open, Nondiscriminatory Internet. Throughout this proceeding, we have stressed the simple economics that fair competition and innovation are at stake. We have also detailed the relationship between critical safeguards against traffic tampering and the fundamental issues raised in Future of Media and Review Media Ownership dockets, noting the clear threat of compounded adverse consequences if broadband internet access service providers were allowed to pick winners and losers in the marketplace of ideas.

While the Chairman's December 1st Remarks On Preserving Internet Freedom and Openness gave us reason for cautious optimism, we like most interested parties have still not seen the entirety of the "draft rules of the road." Based on consensus of reporting, language selectively made public, and common themes corroborated by third-party accounts and comments filed, our optimism is fading in the direction of concern. It is possible that there is a disconnect between the current Draft Rules and the characterizations circulating just one week prior to the pending vote. Whatever the case, there is still time to ensure that the final language brought before the Commission next Tuesday does three things essential to Preserving Internet Freedom and Openness:

- 1) Establishes a clear presumption against traffic tampering, including paid prioritization schemes by any other name;
- 2) Applies equally across platforms, applications and devices. The same framework must govern both wireline and wireless services -- and at the very, very least, emerging 4G networks;
- 3) Provides a strong definition of Broadband Internet Access Services -- as in the NPRM -- not an ambiguous, counterproductive vehicle for loopholes.

As the final countdown to the anticipated vote begins, some are urging the Commission to not let the perfect become the enemy of the good. Others are arguing that bad rules laced with loopholes, and even wholesale exemptions, would signal open season for the very practices these rules are otherwise intended to mitigate. We believe that the adoption of the three critical elements listed above would satisfy both arguments, and most importantly, advance the ultimate objective of Preserving Internet Freedom and Openness.

Respectfully,

Association of Free Community Papers  
Mid-Atlantic Community Papers Association  
Community Papers of Michigan  
Free Community Papers of New York  
Community Papers of Florida  
Midwest Free Community Papers  
Community Papers of Ohio and West Virginia  
Southeastern Advertising Publishers Association  
Wisconsin Community Papers